

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
LARRY G. PHILPOT,

Plaintiff,

-against-

KOS MEDIA LLC,

Defendant.

ANALISA TORRES, District Judge:

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 5/23/17

16 Civ. 1523 (AT) (BCM)

**ORDER ADOPTING  
REPORT AND  
RECOMMENDATION**


Having received no objection to Magistrate Judge Moses' April 21, 2017 report and recommendation,<sup>1</sup> the Court reviewed the report and found no "clear error on the face of the record." *Santana v. United States*, 476 F. Supp. 2d 300, 302 (S.D.N.Y. 2007) (quoting *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)). Accordingly, the Court accepts and adopts the thorough and well-reasoned report, grants Defendant's motion to dismiss pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(5), and denies Plaintiff's motion for leave to amend.

The Clerk of Court is directed to terminate the motions at ECF Nos. 32 and 35 and to close the case.

SO ORDERED.

Dated: May 23, 2017  
New York, New York

CC: Plaintiff *Pro Se*  
By Chambers

  
\_\_\_\_\_  
ANALISA TORRES  
United States District Judge

<sup>1</sup> Indeed, in a separate motion, Plaintiff "stipulates to the Jurisdictional issues discussed in the Report and Recommendation." ECF No. 41.